

# EXHIBIT B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : R. Fischer et al.  
Serial No. : 10/567,383  
Filed : September 6, 2006  
For : 4-Biphenyl-substituted 4-substituted Pyrazolidin-3,5-  
Diones Pesticide Agent and/or Microbicide and/or Herbicide  
Group Art Unit : 4131  
Examiner : BIANCHI, Krisitin

**DECLARATION**

Dr. Heinz Kehne hereby declares:

- that he is a chemist having studied at the University of Göttingen, Germany;
- that he received his doctor's degree in chemistry at the University of Göttingen, Germany in 1981;
- that he entered the employ of Bayer Cropscience (or the predecessor companies Hoechst, Agrevo, Aventis resp.) in 1982;
- that he has specialized in plant protection biology since 2002;
- that the following tests have been carried out under his supervision and direction.



## Biological Examples

### *Post-emergence herbicidal action*

Seeds of monocotyledonous and dicotyledonous weeds and/or crops are placed in sandy loam in wood-fibre-pots, covered with soil and grown under good greenhouse conditions.

The plants are treated at one-leaf-stage two to three weeks after sowing.

The compounds which are formulated as wettable powders or emulsifiable concentrates are dissolved and diluted with water containing adjuvant and are then applied over the top of the plants at different dose rates at an application volume of 600 litres water per ha.

After the treatment, the pots are placed in the greenhouse and kept under good growth conditions for the plants.

The herbicidal effect is assessed visually as per-cent-figure in comparison to the untreated control three weeks after application. 100 % efficacy refers to the complete damage of the assessed plants, 0 % efficacy refers to the appearance of the untreated control.

Structure	Substance	Test type	Dosage	Unit	Test object	ZEAMX	GLXMA	ECHO	SETM	SORHA
	Ex. 43	PO	20	g/ha		80	40	40	60	0
	Ex. I-3-6	PO	20	g/ha		50	0	60	80	80

Structure	Substance	Test type	Dosage	Unit	Test object	ORYSA	GLXMA	AGRRE	ALOMY	AVEFA	SETM	SORHA
	Ex. 43	PO	80	g/ha		80	60	20	20	80	80	80
	Ex. I-3-4	PO	80	g/ha		20	50		100	90	100	100
	Ex. I-3-1	PO	80	g/ha		60	10	80	90	100	100	100

ZEAMX Zea mays  
GLXMA Glycine max.  
ECHCG Echinochloa crus-galli  
SETVI Setaria viridis  
SORHASorghum halepense  
ORYSA Oryza sativa  
AGRREAgrropyron repens  
ALOMY Alopecurus myosuroides  
AVEFA Avena fatua

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Oct. 15, 2008  
Date

  
Dr. Heinz Kehne